

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0805-01
Bill No.: HB 258
Subject: Allows Concealed Firearms
Type: Original
Date: March 6, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$27,941)	(\$30,356)	(\$31,117)
Total Estimated Net Effect on <u>All</u> State Funds	(\$27,941)	(\$30,356)	(\$31,117)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0 to \$4,960,000	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 8 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those few cases arising where indigent persons were charged with the third violation of entering a no gun facility - a Class C Misdemeanor. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of the Secretary of State** assumed this proposal would not fiscally impact their agency.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the increased costs with existing resources.

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would;

- make exceptions to certain unlawful weapons offenses in self defense situations;
- create new weapons offenses; include dangerous juvenile offenses in the reasons why a person cannot own a pistol as an adult;
- permit sheriffs access to juvenile records for purposes of determining eligibility to own concealable weapons;
- provide for the Missouri Highway Patrol to issue non-discretionary permits to carry concealed weapons, with a number of restrictions;
- provide for appeals of denial of concealed weapon permits to small claims court; and
- prohibit access to public facilities to persons carrying concealed weapons.

CTS assumes the principal impact to the judiciary would be in the potential appeals of permit denials. CTS states that, while they lack sufficient information to predict the number of appeals, they would not expect the number to be large. Present law provides for such an appeal for denial of a permit to purchase a concealable weapon, and there does not appear to be a significant volume of cases.

CTS states they would expect a few cases to be appealed through small claims court, and go to appellate review regarding the standards used for denial. However, after a period of adjustment, CTS assumes the ongoing volume of appeals of permit denials would be relatively small.

Officials from the **Department of Corrections (DOC)** state that currently, they cannot predict the number of new cases which may result from the creation of the offenses(s) outlined in this

ASSUMPTION (continued)

proposal. An increase in cases depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in costs through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state that according to their Criminal Records and Identification Division (CRID), previous research estimated 60,000 applications for the first year, which would average out to 250 background checks per day. There would be an estimated 40% increase in permits requested the following years.

250 background checks per day
26 processed per hour
12.49 minutes per search = 12.5 FTEs required to keep up with the work load.
13 FTE requested

The FTE are as follows:

5 Fingerprint Technicians (each at \$21,192 annually) - to classify fingerprints, mark cores, search print through AFIS, verify prints, assign identification numbers and file prints.

3 AFIS Entry Operators (each at \$18,132 annually) - to sort prints, verify information cards, perform name checks, and request rap sheets.

2 Criminal History Technicians (each at \$21,720 annually) - to review current rap sheets, contact criminal justice agencies for missing data and verification, coordinate Missouri records with FBI records, and verify rap sheet for mailing.

2 Account Clerks (each at \$17,568 annually) - to reconcile fee payments with background search, prepare copies of requests and documentation of payment, complete transmittal and deposit of funds sheet, pay invoice from the FBI, receive, reconcile and deposit fees received from sheriffs.

1 Supervisor (each at \$26,460 annually) - to oversee the operation for CCW permits.

RAS:LR:OD (12/00)

ASSUMPTION (continued)

Employees will require the standard office equipment.

According to the Patrol's Information System Division (ISD), the proposed legislation would require the design, building, implementation and maintaining of a currently non-existent application to house concealed firearms permit data. The estimates were based upon the types of information that would have to be entered, edited, stored and retrieved. (For example: last name, first name, middle initial, purpose, date of issuance, date of expiration, issuing agency, home address, business address, etc.)

Applications to be designed, developed, modified and supported:

MULES/NCIC

Concealed Firearm Permits

The ISD requests the following FTE for this proposal:

2 Computer Info. Tech. Specialists 1 (each at \$41,136 annually) - one for each of the application areas (MULES and NCIC). The FTEs would be responsible for the application design, development, modification and support of the application.

In addition to FTE, the Patrol's Information System Division stated that there would be annual recurring State Data Center cost for the maintenance of the system. It is assumed that there would be 200 permits per county, times 114 counties plus the City of St. Louis. Virtually every permit would have at least an entry, an inquiry and a modification. The recurring costs at the State Data Center would be for storage, file backups and the processing of entries, inquiries, revocations, and modifications. The cost of the maintenance would be \$12,000.

The MHP's Research and Development Division stated that even if the Patrol was required to design and print the permits, there is no way at this time to estimate the fiscal impact without knowing the design elements that will be required (such as security features). Since the sheriff's offices will receive all funds generated by the permits, they should also bear the costs of printing the permits. The actual permit requirements would be determined in the future with input from sheriffs since theirs would be the departments involved. The Patrol can provide limited design assistance at little additional cost as long as the design of the permit remains simple.

In total, the MHP estimates costs of implementing this proposal would be \$799,219 in FY 2002, \$505,392 in FY 2003 and \$518,120 in FY 2004. These costs are to be incurred in two funds - General Revenue and Criminal Record System.

RAS:LR:OD (12/00)

ASSUMPTION (continued)

Oversight assumes that there would be some duplication in doing background checks for permits to purchase handguns and other background checks requested by local law enforcement agencies currently being performed and those that would be required in relation to the concealed firearms permitting process. Oversight therefore assumes that MHP would require one Fingerprint Technician to review the fingerprints of applicants received, obtain any information needed which is not submitted, search the criminal records database for a criminal history, and process the applications. Some overtime could be required to manage the initial flow of applications since the majority of the applications would occur in the first year of the effect of this proposal.

Texas passed concealed firearms legislation which went into effect January 1, 1996. Texas has an estimated population of 18,000,000, and received approximately 200,000 applications in the first year, but has received a cumulative total of 260,500 applications for a permit since inception. Which means the large majority of concealed weapons permits were received in the first year, and the number of applications subsequent to that has decreased. Missouri has a population of 5,500,000; therefore, applying the same ratio, **Oversight** assumed in similar proposals that Missouri would have 62,000 applications in the first year. After the initial rush, Oversight assumed the number of new applications would drop substantially. When preparing the fiscal note for a similar proposal in the prior legislative session, Oversight officials spoke with MHP staff to confirm that local law enforcement agencies are not charged a fee for running criminal background checks.

Oversight assumes that there would be long-term impact to the state as well as to local law enforcement agencies as the new concealed firearm permit applications diminished and those permitted individuals renewed their permit every three years. Renewed permit fees would be \$35 and would go to the county treasuries and the City of St. Louis as outlined in this proposal. Ongoing costs to the local law enforcement agencies to process permit applications and renewals could exceed revenue generated from new permit applications.

Oversight officials spoke with a Public Information Officer (PIO) from the Texas Department of Public Safety regarding their concealed firearms legislation. The PIO stated that initially there was a glut of applications which resulted in some backlogs. Officials from the Texas DPS expect that their concealed firearm program will fund itself. Currently, the Texas DPS reports there are 215,694 active licenses as of February 1, 2001.

Oversight assumes that local law enforcement agencies could streamline the concealed firearms permitting process by following those procedures used to issue a permit to own a handgun in Missouri. Because the anticipated 62,000 applications in Missouri would be distributed over the entire state, Oversight assumes that most third and fourth class county law enforcement agencies would be able to handle additional duties resulting from this proposal with existing staff.

ASSUMPTION (continued)

In response to similar legislation from this year, officials from the **Boone County Sheriff's Department** estimated revenue of \$7,000 from the permits authorized in this proposal and a cost to their department of \$25,421 (which includes an FTE), resulting in a net loss to their department of \$18,421 in the first year.

Oversight assumes the county sheriffs could receive \$4,960,000 in permit fee revenue (62,000 permits x \$80 fee) in the first year, and would have unknown costs of implementation, but less than the fee revenue, resulting in a positive fiscal impact for the first year. Permit applications for subsequent years would not be large and therefore, Oversight estimated the fiscal impact to the county sheriffs for the issuance of the permits will be offset by the fee charged for the application and renewal. Therefore, for fiscal years 2003 and 2004, Oversight assumes the costs and revenue to the county and City of St. Louis sheriffs would be unknown amounts, but that they would net to roughly zero.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Costs - Missouri Highway Patrol</u>			
Personal Service (1 FTE)	(\$18,102)	(\$22,265)	(\$22,821)
Fringe Benefits	(\$6,033)	(\$7,421)	(\$7,606)
Expense and Equipment	<u>(\$3,806)</u>	<u>(\$670)</u>	<u>(\$690)</u>
Total Costs - MHP	(\$27,941)	(\$30,356)	(\$31,117)
ESTIMATED NET EFFECT TO GENERAL REVENUE FUND	(\$27,941)	(\$30,356)	(\$31,117)
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
COUNTY SHERIFF'S REVOLVING			
<u>Income - Counties and City of St. Louis</u> Permit Fees	\$4,960,000	Unknown	Unknown
<u>Costs - Counties and City of St. Louis</u> Costs of issuance of permits	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON COUNTY SHERIFF'S REVOLVING	<u>\$0 to</u> <u>\$4,960,000</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes several changes to the concealable and concealed weapons laws. In its main provisions, the proposal:

- (1) Allows sheriffs to issue three year permits to carry concealed firearms. The fee to the applicant would be \$80 for the initial permit application and \$35 for a renewal, both payable to the county sheriff,
- (2) Prohibits the issuance of concealable weapons permits to persons adjudicated in the juvenile division of a circuit court for an offense that would be a dangerous felony if committed by an adult or first degree murder;
- (3) Expands the crime of unlawful possession of a concealable firearm to include persons adjudicated in the juvenile division of a circuit court for an offense that would be a dangerous felony if committed by an adult or first degree murder, if a concealable weapon was used in the commission of the offense;
- (4) Gives sheriffs access to juvenile court records of concealable firearms permit applicants;
- (5) Removes from the concealable firearms permit application the requirement of listing the reason for wanting such a permit;
- (6) Gives any person aggrieved by the small claims court judgment on appeal from a denial of a concealed firearm permit the right to a trial de novo;
- (7) Bans concealed firearms, even with a permit, from churches, schools, election precincts on any election day, or federal or state government buildings;
- (8) Permits the banning of concealed firearms, even with permits, from buildings owned by citizens and merchants. A violation of this ban is an infraction, and 3 infractions within a 5-year period will result in a class C misdemeanor and a revocation of the permit for a 3-year period;
- (9) Requires that concealed weapon permit application fees be placed into a separate fund to be used at the sole discretion of the county sheriff to cover costs incurred for the issuing and reviewing of permits to carry concealed firearms; and

DESCRIPTION (continued)

(10) Removes from the crime of unlawful use of weapons the carrying of a concealed weapon if the person has a valid permit to do so.

The proposal has a penalty provision.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Corrections
Office of the Secretary of State
Office of the State Public Defender
Office of Prosecution Services
Department of Public Safety - Missouri Highway Patrol
State of Texas
Boone County Sheriff's Department

NOT RESPONDING: Cole County Sheriff; Cole County Clerk; Boone County Clerk.



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Director

March 6, 2001